



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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ADOPTION OF THE REPORT

Addendum

Honduras (197th meeting on 24 January 1992)

1. In replying to questions raised, the representative of Honduras said that, despite great efforts made by the Government to implement the Convention, many of the measures would show their effects only over time. She gave a summary of the country's forestry strategy, in which it was apparent that the Government wanted to promote the equitable integration of rural women into development. The strategy was aimed, among other things, at improving the living conditions of rural women, at facilitating the participation of women in management, at promoting social and family projects to eliminate stereotypes, at seeking alternatives for fuel and water to liberate women from the task of forest protection and at introducing legal reforms. Some of the recommended actions included coordination with non-governmental organizations (NGOs), training programmes, access to credit, child-care facilities and legal reforms. It was said that up to that date, women's concerns had not been taken into account in the elaboration of national programmes. Women were not considered important by society and their concerns were not taken into account in development projects.

2. Turning to article 2, she explained that, under the Family Code, women always had a preferential right over the salary and income of the husband in the quantities required for providing food for themselves and their minor children. The husband had a similar right if the wife had to contribute to the family income. Both spouses had the same duties to maintain, educate and instruct their children; in case of divorce the innocent spouse and the children were entitled to alimony. The assertion in the report that the

damage and trauma engendered on a male victim of rape were more serious than on a woman was the result of the prevailing criteria for the legislators, but a reform of that concept was under consideration.

3. Referring to questions raised under article 3, she said that the Group of Parliamentary Women within the National Congress was more and more interested in reforming the laws that curtailed women's rights. That Group organized research activities, seminars and pressed for school reforms. Later on, NGOs and women's groups had started taking part in those seminars and currently there had been a nationwide meeting to work out a plan of action to carry out the project called "women's policies". More persons were currently being designated in different ministries to deal with women's problems. Regarding questions raised with respect to discrepancies in wages for men and women, she said that, under the provisions of the Constitution, all persons had the right to work under equal and satisfactory conditions with equal salary. However, in practice, the principle of equal pay was not always respected. Discrimination did not so much refer to the salary as to the level of posts. Many women were found in minor jobs; but the general economic deterioration had forced them to seek higher education and better work.

4. Referring to article 4, she said that the lack of mechanisms and services that would directly support women was to be explained by the scarce financial resources and the other reasons stated earlier on. Temporary measures, support and control services required strong enforcement mechanisms and, while the cause of women was starting to gain importance in the country, training also would have to be backed up. Consciousness-raising to eradicate remaining discrimination would turn out to be very difficult in practice. However, at the summit meeting of the heads of Central American States a new framework for action in the social field had become visible.

5. On article 5, she stated that the National Congress, the Rural Development Departments and the Ministry of Health, in cooperation with some NGOs, had conducted various seminars and training workshops directed to women at the grass-roots level. Information on HIV/AIDS was being provided to the farthest reaches of the country. She said that women's organizations were trying to coordinate efforts in order to solve common problems. No special regulations existed for migrant women, but those women could refer to normal legal procedures in case of violations of their rights. Similarly, there were no special programmes for refugee women. On lingering discriminatory socio-cultural attitudes, the Ministry of Education had drafted new textbooks and prepared new training material. Although the subject of sexual harassment was not yet covered by law, the Parliamentary Commission dealing with women's issues had presented a draft law to the National Congress, according to which acts involving lascivious attitudes and indecent sexual approaches between persons of different sex committed without consent were considered an offence and put under penal sanction. If such acts were committed by persons exercising authority over others, they were treated in the same way.

6. Regarding domestic violence, she explained that none of the obligations inherent to a marriage, pursuant to the Civil Code of 1906, could be enforced

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by police or court action. Police, penal legislation and society at large disregarded domestic violence, unless it involved homicide or serious injury. Under the Family Code the only remedy in case of violence in the family was divorce or separation. Other reasons for divorce or separation were conduct aimed at perverting the spouse or children, the refusal to assist with education and food and the abandonment of a spouse for more than two years. The Penal Code put under sanction of brief imprisonment offences against the life and physical integrity of the legal or the common-union spouse physical violence against a pregnant women, non-compliance with the duty of financial assistance to the family and fraudulent evasion of the duty of maintenance. The denunciation of the offence had to be made by the victim and, in case of minors, by the legal representative and, if the perpetrator was the father or tutor, by the public prosecutor or the magistrate. Bodily harm had to be proved.

7. Regarding the legal provisions defining sexual violence, including rape, she said that they reflected patriarchal concepts and showed a disappreciation of women as human beings. In the case of rape, the woman's age, honesty and good reputation were paramount and the sentences were short prison terms. The procedures were often counterproductive for the victims because the security forces and the judiciary seemed indifferent to the victims, had no technical training and did not give them protection. The magnitude of violence against women was not generally recognized, and statistics existed only in the major cities, reflecting only the cases that had gone to court or were reported on by the media. For reasons of cultural stereotypes, those offences were mainly kept secret.

8. Replying to questions under article 6, she said that the National Board of Social Well Being was attempting to coordinate action in favour of child prostitutes through programmes of reorientation and rehabilitation for street children. Control over female prostitutes was mainly health-oriented, but because of economic constraints no further statistics had been established. As regards exploitation of prostitution, persons who promoted or facilitated prostitution or corruption of adults of either sex were liable to imprisonment of 10 to 15 years and, if the victim was a minor, of 20 years. The same penalties applied to whoever promoted or facilitated the entry of a person into the country for the purposes of prostitution. The laws punishing violence were equally applicable to prostitutes, although their claims tended to be underevaluated.

9. Turning to questions under article 7, she said that servicemen were not allowed to vote because the Honduran Army was a permanent, mainly professional, apolitical, obedient and non-deliberating national institution. Regarding nationality, she said that Honduran citizenship was acquired through birth or naturalization. Neither marriage nor its dissolution affected the nationality of the spouses or the children.

10. On article 10, the representative said that economic constraints reflected on the quality and level of school education. Regarding illiteracy, she explained that one third of urban illiterates were women. Many children

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in rural areas had no more than three years of schooling and most dropouts from school occurred after the age of 10, when both boys and girls were needed for domestic tasks.

11. Turning to article 11, she admitted that the long duration of maternity leave was a point to be discussed, but said that, because of the poor economic situation, women did not understand yet that it could be a reason for discrimination in the workplace. Currently, no statistics were available on the degree of participation of women in the production process; however efforts would be made to provide data in the subsequent report. She mentioned figures of 1987 only, when 80 per cent of the working population were men and 20 per cent women. Turning to another question on article 11, she said that pregnancy was often a ground for dismissal in private industry. The fact that employers gave preference to men over women in the hiring process because of the risks involved in dropout from work because of pregnancies was related to the poor economic situation and corroborated through stereotypical attitudes, which would hopefully change over time. The provisions in the Labour Code concerning the work of women and minors were currently being revised.

12. On article 12, she stated that no information was available on the number of clandestine abortions. Consciousness-raising in matters of family planning was gradually having positive results as evidenced by the recent decline in birth rates. Births took place in hospitals or in health centres in rural areas. Midwives received special training through the Ministry of Health, particularly with regard to sex education, the transmission of sexual diseases and prenatal and postnatal care. The activities also of the Division for Maternal and Child Health were being further developed.

13. Answering questions raised under article 14, she explained that men were generally reluctant to allow their spouses the entry into cooperatives. She mentioned, however, a seminar on women and cooperatives sponsored by the International Cooperative Alliance, held in 1991, which worked out strategies for incorporating women into the development process, for quantifying domestic work, for allowing cooperative members to take part in juvenile training programmes and for including more women into the decision-making process. Emphasis was also laid on the importance of family planning and child-care facilities. The legislative draft amendment of the Agrarian Law foresaw the possibility to include the wife as direct beneficiary in the adjudication of land in urban and rural areas, to grant to the wife land rights in the absence or death of the husband and to extend the property rights.

14. Turning to article 15, she said that previously the husband had decided on the conjugal residence; however, the current Family Code stipulated that the domicile of the spouses was the place, wherever either of the spouses normally had their residence and the domicile of the children was that of the spouse with whom they normally lived.

15. Turning to article 16, she said that the order of legitimate guardianship of minors was a result of stereotyped criteria. The sanction of imprisonment of men in case of non-payment of alimony had not had any negative effects and,

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provided the necessary resources were available, the consciousness of men should be raised. It might be useful to find other useful sanctions through some research on the matter. Regarding the economic administration of the family household, under the Family Code, the community regime and the separation of property were possible, without excluding the formation of family patrimony. Future spouses could decide on the type of administration of matrimonial property before celebrating their marriage. Regarding the distinct legal marriageable ages for girls and boys, she said that the provision was a heritage of sexist stereotypes from the past and was now under review.

16. Members thanked the representative for the efforts made at providing such detailed and frank explanations. They recognized that certain sectors required much further actions by the Government and that significant legal changes were needed to bring legislation in Honduras into line with the stipulations of the Convention, particularly as the cultural patterns were so deeply rooted that it was difficult to change them. The consciousness of both men and women needed to be raised. Without any change in thinking, legislative amendments could never have a long-lasting effect. It was to be hoped that subsequent reports would show that men were taking part in the efforts to advance women. It was also obvious that Honduras had to move forward with its economic and cultural progress. They underlined that the implementation of the Convention would contribute to the economic and social development of the country and that all energies, including the energies of women, must be put to use.

17. Special congratulations were expressed to the Government for having included information on the environmental concerns at a time when eco-feminism was emerging around the world and women's values seemed to coincide with those seeking to protect the environment. Women had a different approach to the environment, and the concept of "development" was being replaced by "sustainable development". In that evolution, women had an important role to play.

18. Concern was expressed by some members over the provision of the Honduras regulation that persons in active service were precluded from voting and that for belonging to an apolitical body one should be deprived of one of the most fundamental rights. It was asked whether that regulation applied also to police officers and prison guards, and the Government was invited to reconsider the related provisions in the Constitution. Other members, however, showed understanding for that provision, stating that many Latin American countries had endured frequent coups d'état, and the army had to bow to the regime of the country. Military and paramilitary organizations were supposed to protect the elections and the nation and not to be involved in politics.

19. An expert asked whether the Government was aware of the important principle of equal pay for work of equal value and the Honduran legislators were invited to take it into account in the preparation of future legal reforms.

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20. In concluding observations, the Committee expressed its appreciation for the Government's efforts in implementing the Convention and in improving the status of women, while taking note of the political situation that prevailed in Honduras and also of the background of Latin American countries in general. It emphasized the interlinkage of development and social progress and pointed out that the Convention was one of the few international instruments that addressed the various aspects of human activity. In spite of the conditions still prevailing in the country, it was noted that the Convention had had a positive impact on the status of Honduran women. Since the time of ratification, many positive reforms had been undertaken, especially referring to the family, the penal and the agrarian codes. The Committee noted that the introduction of a new system to evaluate agrarian reforms merited closer examination and evaluation and its results should be included in subsequent reports. Some uncertainty as to whether the Penal Code discriminated against women and whether the principle of equal pay for work of equal value was respected preoccupied the Committee. The Committee felt also that the issue of violence against women required close monitoring. It was hoped that the Government would take strong measures to eliminate old stereotypes curtailing the role of women and address consciousness-raising campaigns to both women and men to allow women to contribute effectively to society.
